

CHARTER COMMISSION MEETING MINUTES

MONDAY, FEBRUARY 28, 2011

705 W. University Avenue, Council Auditorium

Commission members in attendance: Odon Bacque, Dale Bourgeois, Karen Carson, Bruce M Conque, George A. Lewis, Greg Manual, D. Keith Miller, Stephen J. Oats, Aaron Walker

Absent: None

Charter staff members in attendance: Mike Hebert (City-Parish Attorney), Pat Ottinger (Assistant City-Parish Attorney) and Veronica L. Williams (Charter Commission Clerk)

Council Members/Staff in attendance: Council Chair Kenneth Boudreaux, Council Members Jay Castille & Keith Patin, Council Clerk Norma Dugas

Administration staff in attendance: Customer & Support Services Manager Andrew Duhon

(5:30 p.m.) AGENDA ITEM NO. 1: Call to order
Chair George Lewis called the meeting to order.

AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance
Commissioner Stephen Oats was called upon to deliver the invocation and lead the Pledge of Allegiance.

AGENDA ITEM NO. 3: Comments/Announcements from Commission Members

Bacque requested that the minutes from the February 14, 2011 meeting be inserted into the agenda. With no objection, the minutes would be inserted.

AGENDA ITEM NO. 4: Discuss the Hefner proposal – Recognize Mike Hefner for questions

Hefner introduced Nancy Jensen, the demographer selected to perform redistricting for the Lafayette Parish School Board and Council districts. Hefner then presented updated maps, which included the recently released census numbers for the Parish. The map included districts for a traditional 9-member Council, whereby five (5) members would be from the City and four (4) members from outside the City of Lafayette. Districts three (3) and four (4) would be minority/City districts. The remaining City districts would be Districts 6, 7 and 8, with District 1, 2, 5 and 9 being districts outside the City. The five (5) Council Members within the City would address all matters related to the City of Lafayette, including those related to the Lafayette Utilities System (LUS). All nine (9) members would handle Parish related matters. Hefner wanted to address the Commission to show that the proposal would work with the new census data.

Two outstanding questions were related to annexations and whether five (5) members would control the votes taken up by the 9-member body. Hefner stated that the question on annexations could be handled should the appropriate language be added in the Charter document, similar to language used in other municipalities for their annexations. On whether five (5) members would control voting, in his opinion, this could only occur with block voting, which was rare when speaking of voting geographically.

Carson asked how the proposal would impact the School Board districts. Hefner responded that this model would not be good for School Board districts and suggested the School districts be drawn independent of the

Council districts. Carson disagreed with the Hefner model, in that the structure would no longer be considered a Consolidated Government. Hefner clarified that the 9-member body would meet at the same time. Carson concurred with the aspect of the plan, which addressed LUS concerns. Bacque asked if the plan would be workable should the Commission move forward with placing said proposal before the voters and Hefner stated there would be a couple of issues to resolve, one being to realign voter precincts that could be split under the current plan.

Bacque questioned whether the districts could be redrawn to implement the model when the new officials take office in 2016 and Hefner responded affirmatively, adding that the new districts could be redrawn once the freeze would be lifted in 2013. Referring to Legal, Bacque asked if the proposal would address the LUS issue and Mike Hebert responded that it would, given the five (5) members would be 100% within the City boundaries. Another LUS issue needing clarification, Hebert continued, was the language in the Charter making reference to the governing authority of a department.

Oats asked who would draw the districts for said proposal and Hefner responded that, generally, the Council handled redistricting. Also, language could be placed in the Charter, which would create an independent committee to draw the districts. Oats expressed concern that the map showed incumbents in the same districts, which would make voting for such a plan highly improbable. In response, Hefner suggested a lay committee be appointed with individuals who were not interested in seeking elected office under said governance structure.

Conque questioned whether the plan, which included islands (unannexed property) in the City, would receive Justice Department approval and Hefner responded that the plan and map as shown on the slide were not ready to go into effect, adding some adjustments would be needed. Should the separate Councils be recommended, Oats asked how those districts would be drawn and Hefner suggested that two (2) committees be appointed, one (1) to draw the City districts and one (1) for the Parish districts.

Manuel asked for population percentages for areas outside the City and inside the City and Hefner responded that in the 2000 Census, 56% of the population was in the City, while 44% was in the Parish. In the recent 2010 Census count, there was a slight shift of 54%- City and 46%-Parish.

A motion was offered by Carson, seconded by Bacque to identify a preliminary Charter amendment to have a single ballot issue with a 9-member City-Parish Council consisting of five (5) districts within the Lafayette City limits for the Lafayette Utilities System (LUS) purposes only; four (4) districts outside of the City of Lafayette within the Parish of Lafayette governed by the same Consolidated, but amended, charter.

Oats emphasized more time was needed to study the different proposals and reminded that at the last meeting, the Commission voted to withdraw the request for additional time for the Charter to complete its work. He did not support the motion and encouraged fellow Commissioners to vote “no” to the motion. Inasmuch as the motion set the Commission on a totally different course, Oats noted that he would support a motion to request more time.

Conque expressed concern that the motion did not provide the City of Lafayette with autonomy and would not allow for the five City members to vote on City budget matters. Further, the motion only referred to the Council; and he questioned whether this structure could include a Mayor for the City. Mike Hebert responded it could provide for a mayor, should the governance be structured as such. Lewis stated that he objected to the Parish running the City and the City running the Parish and a decision needed to be made on whether only one item could be placed on the ballot. Hebert reiterated the department was trying to get the Attorney General’s

office to respond; however, a legal staff member in the Secretary of State's-Office of Elections Division informed the Legal Department that they could not recall a ballot item within the state that proposed a multiple choice ballot option. Hebert indicated he could find no laws or information, which allowed for or prohibited multiple options on a ballot. Conque indicated that the motion denied City residents the right to choose which government they wanted, as had been done with the smaller municipalities.

► Nancy Mounce noted that the Hefner plan: placed the small towns and unincorporated Parish in the minority, with having four (4) representatives; did not provide for a solution to conflicts on what might be best for the City and unincorporated Parish; and, did not address the islands (donuts), which were not contiguous.

► Louis Kellogg stated the plan was more complicated; and it was his opinion that there should be two separate Councils so each could control their own destiny.

► Rickey Brasseaux noted that not everyone who lived in the City of Lafayette were shareholders of the Lafayette Utilities System (LUS).

Conque questioned whether the action taken last meeting to approve separate Councils, a City Mayor and Parish President would be negated should the motion be approved and Ottinger responded the two proposals would conflict, but reminded that votes at this point were preliminary.

The vote was then called on the motion offered by Carson, seconded by Bacque **to identify a preliminary Charter amendment** to have a single ballot issue with a 9-member City-Parish Council consisting of five (5) districts within the Lafayette City limits for the Lafayette Utilities System (LUS) purposes only; four (4) districts outside of the City of Lafayette within the Parish of Lafayette governed by the same Consolidated, but amended, charter and the vote was as follows:

YEAS: Bacque, Bourgeois, Carson, Manuel, Miller

NAYS: Conque, Lewis, Oats, Walker

ABSENT: None

ABSTAIN: None

The motion was approved.

AGENDA ITEM NO. 5: Discuss tweaking the Lafayette City-Parish Consolidated Government Home Rule Charter

Following the vote, Bacque noted that a charter would be needed for the just approved new governance structure. It was suggested the new draft of the City Charter be used as a guide to make changes to the existing City-Parish Government Charter to coincide with the motion above. To allow sufficient time to tweak the existing charter and review options associated with the new governance structure, Lewis asked if someone would make a motion to extend the work time of the Charter Commission. Hearing no motion, discussion continued. Lewis stated that he would begin working on the existing charter, adding he was volunteering his time to work on the various Charter options to reduce the cost of Legal fees.

A motion was offered by Bourgeois, seconded by Bacque to identify a preliminary Charter amendment to remove from consideration the separate City and Parish Charters.

Bourgeois noted that it was his opinion the Hefner plan could work. Conque stated he would like to further discuss options for the City of Lafayette. Bourgeois explained his motion would allow the Commission to

move in one direction.

► Nancy Mounce questioned whether Commissioners had met outside the meeting and suggested that the “Walking Quorum” provision of the Open Meetings Law be reviewed.

The vote was then called on the motion offered by Bourgeois, seconded by Bacque **to identify a preliminary Charter amendment to** remove from consideration the separate City and Parish Charters and the vote was as follows:

YEAS: Bacque, Bourgeois, Carson, Manuel, Miller

NAYS: Conque, Lewis, Oats, Walker

ABSENT: None

ABSTAIN: None

The motion was approved.

Hebert reminded that the direction of the Commission, from the Legal Department’s perspective, needed to be clear. Lewis asked for clarification on how the departments should be structured in the “tweaked” charter. Bacque suggested Hebert review the existing charter and address the department issues to make it consistent with the approved motion on the governance structure. Conque reiterated that the new governance structure did not address the City of Lafayette budget issues. Bourgeois added that the structure could be reviewed to address other issues.

Walker reminded that all LCG departments had addressed the Commission and listed issues in the Charter that needed to be tweaked.

AGENDA ITEM NO. 6: Review and discussion of Legal Department’s recommendations on the Charter draft documents for the City of Lafayette and the Parish of Lafayette

Item was not discussed.

AGENDA ITEM NO. 7: Discussion of salaries for elected officials

Item was not discussed.

AGENDA ITEM NO. 8: Clarification on ballot questions

Item was not discussed.

AGENDA ITEM NO. 9: General comments from the public on Consolidation

A meeting would not be held Monday, March 7, which was the day before Mardi Gras. Lewis stated that the Commission needed to determine whether to schedule a meeting for Wednesday, March 9, the day after Mardi Gras; however, he noted that meeting so soon would not allow much time to make necessary changes to the existing Charter. Enough work could be completed by Monday March 14 to begin the Commission’s review of the tweaked charter. It was the consensus of the Commission to cancel the meeting for the week of March 7 and meet on March 14 to allow sufficient time to make revisions to the existing charter.

Conque suggested Commissioners submit recommendations to the Chair on the governance structure and stated that the key was ensuring language in the new plan worked. Oats stated he would like to see language from Legal that would allow only the five (5) City members to vote on all City matters. Bacque reminded he would like to pursue a legal response on having two (2) options on the ballot. Oats explained that the Commission needed to hear Legal confirmation on how the ballot should be structured, in the event the proposition would be challenged. Walker noted that he still favored a separate LUS board.

Conque asked the Clerk of the Council to provide a breakdown on the various LCG budgets.

Dale Brasseaux suggested that two (2) options be placed on the ballot to ensure all citizens would be provided with a choice. Further, he requested a copy of the Legal expenses for the Charter Commission.

Before placing any issue on the ballot, Rickey Brasseaux asked the Commission to determine whether the existing Charter was legal.

AGENDA ITEM NO. 10: Next meeting date

The next meeting was scheduled for March 14, 2011, with the March 7 meeting being canceled.

AGENDA ITEM NO. 11: Adjourn

There being no further business, the meeting adjourned at 8:25 p.m.